

The claims remaining in the application are 1, 3, 5, 7-8, 10-12, 14-16, 18-31 and 33-40.

REMARKS

The Applicants would like to thank the Examiner for the quick and courteous final Office Action. The Applicants appreciate the withdrawal of the rejection over Endres.

The Applicants greatly appreciate the indication that claims 5, 7, 19-31 and 33-40 are allowable over the art of record.

The Applicants further appreciate the Examiner's indication that claims 10, 14, 15 and 17 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. The Examiner's attention is thus respectfully directed to the amendments to claims 1 and 8, where the recitation of claim 17 has been added thereto. It is thus respectfully submitted that independent claims 1 and 8 and claims 3, and 10-16 and 18 dependent thereon, respectively, are all allowable. (Dependent claims 2, 4, 9 and 17 have been cancelled as redundant.)

Rejection Under 35 U.S.C. §102(b) Over Ricci, et al.

The Examiner has rejected claims 1-4, 8, 9, 11, 12, 16 and 18 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Pat. No. 5,164,433 to Ricci, et al.

The Examiner finds that Ricci, et al. teaches a thickener composition which may be used in drilling fluids, which comprises a latex, a surfactant, aluminum silicate and salts, such as calcium carbonate.

The Applicants must respectfully traverse.

A patent claim is anticipated, and therefore invalid, only when a single prior art reference discloses each and every limitation of the claim. *Glaxo Inc. v. Novopharm Ltd.*, 52 F.3d 1043, 1047, 34 U.S.P.Q.2d 1565 (Fed. Cir.), cert. denied, 116 S.Ct. 516 (1995).

The Examiner's attention is respectfully directed to the fact that independent claims 1 and 8 have been amended herein to recite the additional presence of "salt pre-

sent in an amount of from about 1 wt.% to about saturation based on the total water-based drilling fluid". Support for the insertion of this phrase in these independent claims is found in dependent claim 17 as originally filed (now canceled), and thus these amendments do not constitute improper insertions of new matter.

It is respectfully submitted that Ricci, et al. does not teach or suggest the presence of salt in their compositions. Thus, it is respectfully submitted that the single prior art reference does not disclose each and every limitation of the claims, as amended. It is thus respectfully submitted that the instant rejection be withdrawn.

It is further respectfully submitted that the Examiner realizes that the recitation of this feature in independent claims 1 and 8 renders them patentable since the Examiner objected to claim 17 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Because the claim 17 language has now been effectively rewritten in independent form including all of the limitations of the base claim and any intervening claim, the Applicants respectfully submit that claims 1 and 8 and remaining claims dependent thereon are allowable. Claim 17 was not subject to this rejection.

It is respectfully submitted that for all of the above reasons, the rejected claims are not anticipated by Ricci, et al. Reconsideration is respectfully requested.

Rejection Under 35 U.S.C. §102(b) Over Onan, et al.

The Examiner rejected claims 1-4, 8, 9, 11, 12, 16 and 18 under 35 U.S.C. §102(b) as allegedly being anticipated by the U.S. Pat. No. 5,346,011 to Onan, et al.

The Examiner finds that Onan, et al. teaches a wellbore fluid which comprises latex, aluminum silicate, a sodium alkyl sulfate surfactant, and a salt such as zinc oxide. The Examiner further notes that the Applicants' intended use as a drilling fluid does not distinguish.

The Applicants must respectfully traverse.

A patent claim is anticipated only when a single prior art reference discloses each and every limitation of the claim. *Glaxo Inc. v. Novopharm Ltd.*, *id.*

The Examiner's attention is again respectfully directed to the fact that independent claims 1 and 8 have been amended herein to recite the additional presence of "salt present in an amount of from about 1 wt. % to about saturation based on the total water-based drilling fluid". Support for the insertion of this phrase in these independent claims is found in dependent claim 17 as originally filed (now canceled), and thus these amendments do not constitute improper insertions of new matter.

It is respectfully submitted that Onan, et al. does not teach or suggest the presence of salt in their compositions. Thus, it is respectfully submitted that the single prior art reference does not disclose each and every limitation of the claims, as amended. It is thus respectfully submitted that the instant rejection be withdrawn.

It is further respectfully submitted that the Examiner realizes that the recitation of this feature in independent claims 1 and 8 renders them patentable since the Examiner objected to claim 17 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Because the claim 17 language has now been effectively rewritten in independent form including all of the limitations of the base claim and any intervening claim, the Applicants respectfully submit that claims 1 and 8 and remaining claims dependent thereon are allowable. Claim 17 was not subject to this rejection.

It is again respectfully submitted that a proper §102 anticipation rejection has not been made herein. Reconsideration is respectfully requested.

Request for Entry of Amendment

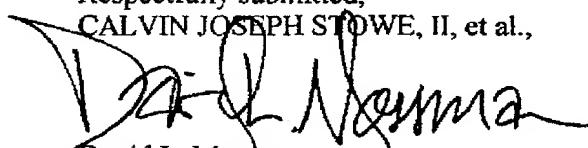
The Applicants would respectfully submit that the instant Amendment be entered under 37 CFR 1.116(b): "Amendments presenting rejected claims in better form for consideration on appeal may be admitted." It is respectfully noted that four dependent claims have been canceled herein. Further, the phrase "salt present in an amount of from about 1 wt. % to about saturation based on the total water-based drilling fluid" has been added to the remaining, rejected independent claims herein. Because the Examiner indicated that dependent claim 17 containing this language would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and this is what Applicants have effectively done in the claim 8 amendments, it is

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respectfully submitted that the Applicants have simply done what the Examiner suggested. Further, it is respectfully submitted that amended claim 1 may be allowed for exactly the same reason as amended claim 8. It is respectfully submitted that for all of these reasons, which greatly simplify and narrow the issues to none, the instant Amendment should be entered.

It is respectfully submitted that the amendments and arguments presented above place the claims in condition for allowance. Reconsideration and allowance of the claims, as amended, are respectfully requested. The Examiner is respectfully reminded of his duty to indicate allowable subject matter. The Examiner is invited to call the Applicants' attorney at the number below for any reason, especially any reason that may help advance the prosecution.

Respectfully submitted,
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